

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF
SOUTHERN DIV.

Case: 2:21-mc-50209
Judge: Cox, Sean F.
MJ: Whalen, R. Steven
Filed: 1/25/2021
MOTION FOR RETURN OF PROPERTY BY MANAWAR JAVED (ANCILLARY MATTER) (DP)

Manawar Javed,
(Movant), §
V. §
United States Of America,
(Respondent). §

§
Criminal Action
No. 15-CR-20351

POST VERDICT MOTION TO RETURN PROPERTY

Movant Manawar Javed ("Javed"), pro-se, and under Fed. R. Crim. P. 41(g) kindly moves this Court for return of property post verdict.

On June 15, 2015, Javed was charged for violating 18 U.S.C. §1349. (Ecf. 1). The indictment contained forfeiture allegation seeking upon Javed's conviction, forfeiture to the United States ("movant") under 18 U.S.C. §981(a)(1)(c) §982(a)(7). (Id).

On March 18, 2016, Jabed plead guilty and agreed to an entry of forfeiture money judgment only in the amount of Twelve Million Seven Hundred fifty-five Thousand Eight Hundred Twenty Two Dollars and Twenty Eight Cents. (Ecf. 144).

On Oct 07, 2016, and after Javed's sentencing, the movant provided Javed with a delayed stipulated preliminary order of forfeiture which included the following:

- Eight Thousand One Hundred Ninety-Four Dollars and Sixty-One Cents in United States Currency from Huntington Bank;
 - Four Thousand Seven Hundred Eighty-Nine Dollars and Fifty-Seven Cents in United States Currency from Huntington Bank;
 - Forty-Nine Thousand Four Hundred Seventy-One Dollars and

Forty-Eight Cents in United States Currency from Talmer Bank;

- Five Hundred Eighty-Seven Thousand Seven Hundred Eighty-Six Dollars and Twenty-Eight Cents in United States Currency from Talmer Bank;
- Eighty-Two Thousand Seven Hundred Eighty-One Dollars and Eighty-Nine Cents in United States Currency from Comerica Bank; and
- Twenty-Five Thousand Five Hundred Twenty-Two Dollars and Sixty-Eight Cents in United States Currency from Comerica Bank.

(Ecf. 186). The parties agreed that the value of the listed property shall offset the judgment. (Id). The stipulated order did not contain any other property.

The movant, however, also seized Javed's family vehicle which was not stipulated to in the preliminary order of forfeiture. Neither was Javed provided a notice to reclaim said property. This violated Javed's Due Process.

Javed's family vehicle was personal property not constituting, or derived from proceeds obtained directly or indirectly, as a result of the above mentioned violation. The seized property belonged to Javed prior to the violation in the indictment --- March 12, 2015. (See Ex A - Copy of Motor Vehicle Title).

Till now, movant has not demonstrated a legitimate interest in retaining Javed's property. United States v. Omian, No 05-80338, 2006 WL 3240555, at *2(E.D. Mich Nov 7, 2006). Also, due to violation of Javed's due process, and his bona fide ownership, Javed is "lawfully entitled to possess the property." United States v. Headley, 50 F.App'x. 266 (6th Cir.

2002).

Accordingly, this Court should order the movant to return Javed's property uncontionally and promptly, conversely hold an evidentiary hearing so Javed may prove ownership not derived from proceeds of a criminal act.

For the reasons stated, Javed respectfully moves this Court to grant this motion.

Dated: Jan 21, 2021.

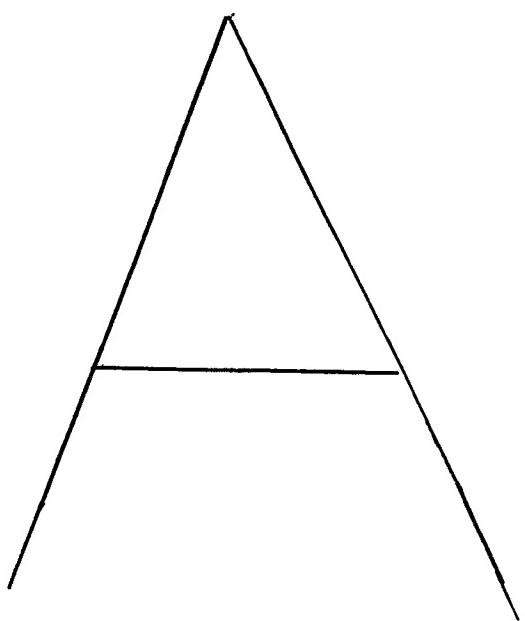
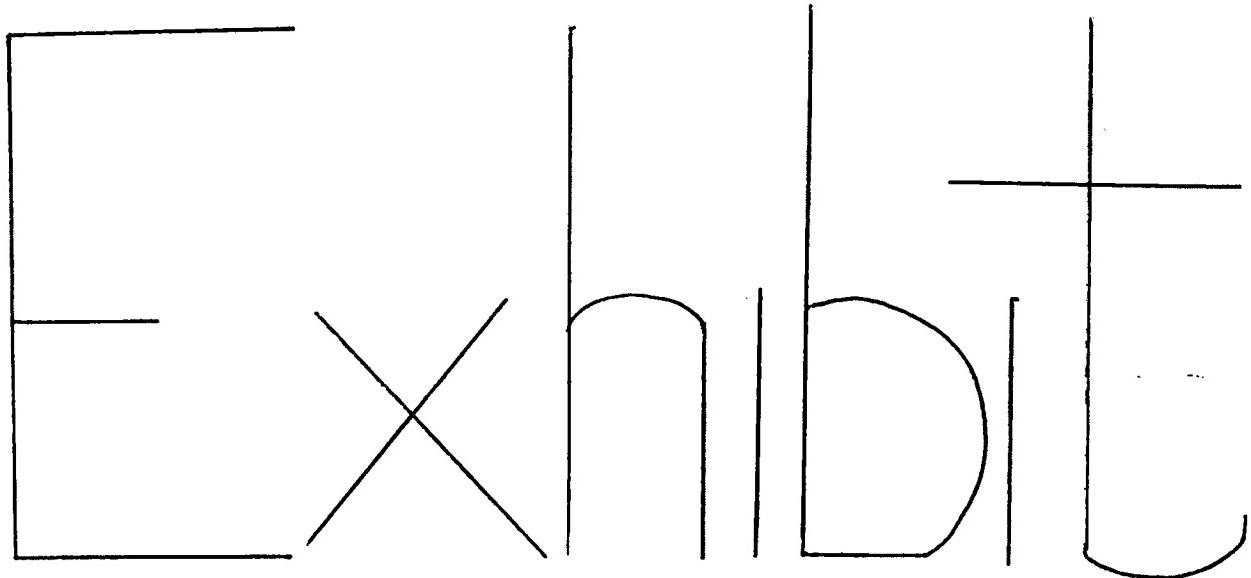
Respectfully Submitted,

/s/ Manawar Javed
(51096-039)-
Moshannon Valley CI,
555 Geo Dr,
Philipsburg, PA 16866.

DECLARATION AND CERTIFICATE OF SERVICE

I declare under the penalty of perjury that the foregoing is true and correct. I certify that on Jan 21, 2021, I mailed the foregoing to the Court Clerk for the United States District Court, Eastern District of Michigan.

/s/ Manawar Javed



STATE OF MICHIGAN

CERTIFICATE OF TITLE

VEHICLE IDENTIFICATION NUMBER

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BODY STYLES

WDDNG86X78A173580

2008

5550

FOUR DOOR

TITLE NUMBER

ISSN 0022-216X

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DISPENSER NAME AND ADDRESS

MANAWAR JAVED
5201 PARK RIDGE DR.
WEST BLOOMFIELD MI 48323

NO SECURED INTEREST ON RECORDED

Title Assignment by Seller:

State and Federal laws require the affixing of Indiana mileage when this title is transferred. Violation of this statute or providing false information may result in civil liability, fines and/or imprisonment. ANY ALTERATION, ERASURE, FALSE STATEMENT, FRAUD OR FRAUDULENT STATEMENT ON THIS TITLE IS A CRIME.

I warrant that the ownership of the vehicle described in Certificate of Title has been transferred to Purchaser by Seller(s) and is free of all previous liens.		Date of Sale	Selling Price
Printed Name of Purchaser			
Purchaser's Street Address		City	State Zip
<p>I (we) certify that the odometer reading is: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> and that to the best of my knowledge the odometer mileage is:</p> <p><input checked="" type="checkbox"/> actual mileage <input type="checkbox"/> unverified mileage. WARNING: ODOMETER CANNOT BE RESET If the odometer has passed its last legal limit of accuracy (odometer has rolled over)</p>			
Signature of Seller(s)		(Signature)	
Seller's Street Address		City	Zip
<p>I am aware of the above odometer certification.</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>SELLER'S STATEMENT</p> <p>NEW LENDER INFORMATION</p> <p>The information contained in this certificate will be forwarded to the Michigan Department of State.</p> <p>SELLER'S SIGNATURE</p> <p>STATE OF MICHIGAN</p> <p>The State of Michigan and county of BLOOMFIELD HILLS, on the 10th day of November, 2000,</p> <p>IN WITNESS WHEREOF, I have signed this instrument.</p> <p>SELLER'S ADDRESS</p> <p>MANAWAR JAVED 5201 PARK RIDGE DR WEST BLOOMFIELD MI 48323</p>			

"NOTICE TO SELLERS"
Sellers must keep a record of the quantity of
the mentioned title for five years or 15
months of accompanying the purchase to a
Secretary of State Office.



Manswar Javed 51096-039
Moshannon Valley C.I.
555 GEO DRIVE,
Phillipsburg, PA 16866

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U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN

OFFICE OF THE CLERK

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